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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/448,378	11/23/1999	KENNETH BRASEL	2836-D	4973

22932 7590 10/07/2002

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EXAMINER

GAMBEL, PHILLIP

ART UNIT

PAPER NUMBER

1644

DATE MAILED: 10/07/2002

22

Please find below and/or attached an Office communication concerning this application or proceeding.



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DEA/FCE-1994

09/440378

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Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

Applicant's election without traverse of Group I (claims 6, 7, 20, 22-53) in Paper No. 21 is acknowledged.

However, applicant did not elect a species from the following set forth in the previous Office Action (Paper No. 19).

13. This application contains claims directed to the following patentably distinct species of the claimed Group I (and Group II, if claimed) : wherein one of the following is also administered.

- A) GM-CSF,
- B) IL-4,
- C) TNF- α ,
- D) IL-3,
- E) c-kit ligand, or
- F) GM-CSF-IL-3 fusions.

These species are distinct because their structures and modes of action are different.

Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 6-7 are generic.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (703) 308-3997. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014.



Phillip Gambel, PhD.

Primary Examiner

Technology Center 1600

October 7, 2002